

# PROCEEDINGS IN COMMITTEE OF THE WHOLE.

*Monday, July 22, 1867.*

The Committee met.

Mr. Dent in the Chair.

The Committee resumed the consideration of the Report of the Committee upon the Judiciary Department, with pending amendments.

The question recurring upon the motion of Mr. Archer to strike out the 20th Section ;

It was decided in the negative.

Mr. Mackubin offered the following amendment to the 20th Section :

Sec. 20, line 16, strike out the words "a term," and insert "not less than two terms ;"

Line 17, strike out the words "time or ;"

Lines 17 and 18, strike out the words "such terms not to be less than two in each year," and insert as follows: "To which Jurors shall be summoned, and not less than two other and intermediate terms to which Jurors shall not be summoned ; they may alter or fix the times for holding any or all terms until otherwise provided by law, and shall adopt rules to the end, that all business not requiring the interposition of a Jury, shall be as far as practicable, disposed of at said intermediate terms ;"

Which was decided in the negative.

Mr. Alvey offered the following as an additional section to be inserted as Section 21 :

SECTION —. Where any term is held, or trial conducted by one of said Judges alone, upon decision or determination of any point or question by him, it shall be competent to the party or parties against whom the ruling or decision is made, upon motion to have the point or question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose ; or said party or parties may elect to have said decision or determination reviewed, on appeal to the Court of Appeals, in cases where by law an appeal will lie ; but in all cases of points or questions reserved, the motion therefor shall be entered, of record during the sitting, at which such ruling or decision may be made, and such motion shall be a waiver of the right of appeal to the Court of Appeals,